(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CIVIL REVISION NO. 100 OF 2003

AKASH SHARMA (MINOR), THROUGH THE NATURAL GUARDIAN FATHER SHRI DINESH KUMAR SHARMA SON OF BRIJMOHAN SHARMA RESIDENT OF BUDHAPARA, NEAR GOKUL CHANDRAMA MANDIR, RAIPUR. — **APPLICANT/ PLAINTIFF**

VERSUS

P. R. No. 404/03
Presented by Shri A. R. Yashar
dated 14.02.03

1. **JOINT DIRECTOR, NAGAR TATHA GRAM NIVESH, DISTRICT OFFICE, RAIPUR.**

2. **STATE OF C.G. THROUGH THE COLLECTOR, RAIPUR.**

— **NON-APPLICANT/ DEFENDANTS**

REVISION PETITION UNDER SECTION 115 OF CODE OF CIVIL PROCEDURE 1908

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ....CR...100/03 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

23/03/2005

Shri B.P.Sharma, counsel for the applicants.

Shri Satish Gupta, Dy. G.A. for the State.

Heard.

The applicants have preferred this revision against the impugned order by which the applicants are called upon by the trial Court to clarify the basis of valuation of the suit within 15 days failing which necessary order will be passed.

Learned counsel for the applicants submits that in view of the proviso to Section 115 of CPC and in view of the law laid down by the Hon'ble Apex Court in the case of ***Surya Devi Rai Vs. Ram Chander Rai and Others reported in (2003) Vol. 6, SCC 675 as well as in the case of Shiv Shakti Coop. Housing Society, Nagpur Vs. Swaraj Developers and Others reported in (2003) 6 SCC 659***, the revision is not maintainable and seeks to withdraw the same with liberty to file appropriate proceedings available under the law.

Prayer is allowed and the revision is dismissed with liberty as prayed for.

Learned counsel for the applicants further prays that the certified copy of order annexed with the revision petition be returned on applicants furnishing attested photocopy of the same.

Office is directed to return the certified copy of the impugned order annexed with the revision petition to the counsel for the applicants on his furnishing attested copy of the same.

Certified copy as per rule

Sd/-
Dhirendra Mishra
Judge

(पीछे देखिये)